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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

22-CV-01426-LK

SANG W. MENDY, an individual,

Plaintiff,

v.

CASE NO. _____
[to be filled in by Clerk's Office]

COMPLAINT

JURY DEMAND

TRACY L. LARSON, an individual,

MILL CREEK RESIDENTIAL SERVICES
LLC, a corporation in the State of Delaware,

NORTHWEST SECURITY SERVICES, Inc,
a corporation in the State of Washington,

AMERICAN SECURITY PROGRAMS, Inc,
a corporation in the State of Virginia,

Defendants.

Plaintiff SANG W. MENDY alleges as follows:

I. NATURE OF ACTION

1.1 This is an action to recover damages under the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*, 42 U.S.C. § 3604(b) and 42 U.S.C. § 3617. Specifically, under Section 3604(b)

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1 Plaintiff alleges that the Defendants “created a hostile housing environment based on race.”

2
3 **II. JURISDICTION AND VENUE**

4 2.1 This Court has subject matter jurisdiction under 28 U.S.C § 1331, 28 U.S.C. §
5 1343(a)(4), and 42 U.S.C § 3613(a)(1)(A) over plaintiff’s claims under the Fair Housing Act, 42
6 U.S.C. § 3601 *et seq.*

7 2.2 The Court has personal jurisdiction over defendants. Defendant Tracy Larson,
8 who resides in Shoreline, Washington, within the Western District of Washington, was working
9 for Northwest Security Services, Inc., “Northwest Security Services”, a Washington For-Profit
10 Corporation, Washington State registration number 601 010 288; this corporation was subject to
11 personal jurisdiction at the time the discrimination commenced as outlined in 28 U.S.C. § 1391
12 (b); and this corporation, complete with all of its assets, debts and liabilities merged into
13 American Security Programs, Inc, “American Security Programs”, effective October 27, 2021;
14 thus American Security Programs purposefully availed themselves of Washington State by
15 purchasing a Washington corporation and continuing to conduct business in Washington. Mill
16 Creek Residential Services LLC too purposefully availed themselves of Washington State by
17 creating 1608 housing units in seven major housing developments in Seattle alone, in addition to
18 another five major housing developments in Redmond, Everett and Lacey.

19 2.3 Venue is proper in the Western District of Washington because the unlawful
20 practices alleged herein took place in this District, and the defendants reside or operate in this
21 district. *See* 28 U.S.C. § 1391(b).
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III. THE PARTIES TO THIS COMPLAINT

3.1 Plaintiff Sang W. Mendy is an adult man with a clean record, residing in Seattle, Washington. Mr. Mendy is Black and an immigrant from The Gambia, West Africa for the purposes of 42 U.S.C. § 3601 *et seq.* Mr. Mendy has not brought any other lawsuits in any federal court in the United States.

3.2 Defendant Mill Creek Residential Services LLC or “Mill Creek Residential” is a Delaware Limited Liability Corporation, with 12 major housing developments in Western Washington. They formerly owned, managed and operated the apartment complex at 1801 South Jackson St, Seattle, Washington 98144, at which plaintiff resided with his family. While they owned this property, including throughout the duration of the events that took place in this complaint, the property was known as “Modera Jackson”, and this complaint will refer to it as such.

3.3 Defendant Tracy Larson is an adult man who at all times relevant, was a security guard for Northwest Security Services, Inc., and worked regularly as a security patrol officer at the Modera Jackson complex where plaintiff resided with his family. Northwest Security Services was contracted by Modera / Mill Creek Residential to provide security at its premises. Records show that Northwest Security Services and Mill Creek Residential were aware of multiple incidents where Defendant Mr. Larson racially profiled and harassed Black residents at the Modera Jackson. Following a merger dated October 27, 2021, Defendant American Security Programs is the legal owner of all assets, debts and liabilities that accrued to Northwest Security Services.

IV. STATEMENT OF CLAIM

4.4 Within Mr. Mendy's first year of living at the Modera Jackson, Mr. Larson, working for Northwest Security Services and thus contracted by Mill Creek Residential began harassing Mr. Mendy. The first time Mr. Mendy was racially profiled and harassed by Mr.

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1 Larson, Mr. Mendy was sitting in a shared public lobby on the first floor. Mr. Larson asked to see
2 his key fob and before Mr. Mendy could reply he shouted at him, "You need to leave!"

3 4.5 Whenever Mr. Larson saw Mr. Mendy alone or with a black friend, he would ask
4 to see his ID, his key fob or ask what room number he was in. Whenever Mr. Larson saw Mr.
5 Mendy with his partner, who's white, he would refrain from harassing him.

6 4.6 According to Natalie Benoit, a manager at Modera, the security guards should not
7 be asking anyone for proof that they live there unless there is some other issue or cause for
8 concern. Residents and guests alike should be free to move about without being asked for ID or
9 proof of residency.

10 4.7 Mr. Larson asked Mr. Mendy if he was a resident on three separate occasions. Mr.
11 Mendy began avoiding Mr. Larson whenever he was patrolling. Mr. Mendy thought that after a
12 while Mr. Larson would recognize him and start leaving him alone.

13 4.8 In August 2019, another black resident at the Modera Jackson reported concerns
14 with Defendant Mr. Larson. Mr. Larson escalated a simple noise complaint, called the police and
15 reportedly made false accusations against her group, which he saw it relevant to point out
16 included "black people". Modera resident Shaquelle Duncan wrote in an email to Modera: "I am
17 writing because I am under the belief that the security guard's actions were racially charged, as
18 he told dispatch that there were black people in our group and also told them that someone in the
19 group obstructed him from calling the police when no one did no such thing."

20 4.9 Natalie Benoit, a Manager at Modera, reached out to Defendant Northwest
21 Security Services to follow up on this incident, writing in an email: "The resident has come to us
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1 and alleged that the security guard made racial remarks against her and her party. I would like to
2 gain a more detailed statement from you and your agents' end of exactly what took place, as we
3 take these complaints very seriously. If you could let me know of a more detailed exchange
4 between your agent and my resident as soon as possible, I would greatly appreciate it."

5 4.10 Northwest Security Services Business Development Manager Al Barto, forwards
6 a response from Northwest Security Services Patrol Operations Manager David Johann to
7 Natalie Benoit, Manager at Modera. He ignores the allegations that his security patrol officer
8 Defendant Mr. Larson had "made racial remarks" and responds, "it appears to be a disgruntled
9 tenant at first glance".

10 4.11 There is no evidence that Defendant Northwest Security Services took the
11 accusation of "racial remarks" seriously, let alone reprimanded their employee or sent him for
12 retraining. Northwest Security Services' negligent hiring, training, and supervision created a
13 pattern and practice of Black residents being denied the same privileges as other residents and
14 being made unsafe in their homes.

15 4.12 Mill Creek Residential for their part did not take sufficient action to protect their
16 residents. Despite Manager Natalie Benoit's strongly worded email that they take allegations of
17 "racial remarks" very seriously, and despite meeting with the resident who was targeted, it seems
18 that Mill Creek Residential did nothing to follow up on Mr. Larson's record, character or risk to
19 the community after hearing back from Northwest Security Services' Patrol Operations Manager
20 that "After checking with the officer, unfortunately all he confirmed was that she was very rude
21 from the start of the contact, and got ruder when they did not initially comply with the noise
22 complaint and he let them know he was serious about needing to contact 911 if they did not quiet

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1 down.” This email ended their exchange on Defendant Tracy Larson’s racial remarks towards
2 Shaquelle Duncan.

3 4.12 On October 9, 2020, Defendant Mr. Tracy Larson made a false allegation of
4 assault against Plaintiff Mr. Mendy. There are inconsistencies between Mr. Larson’s 911 call,
5 initial interviews by cops, and subsequent interviews. The Seattle Police Department were
6 racially biased in their response, taking Mr. Larson’s word, even when inconsistent, coaching
7 more consistent responses, and not believing that Mr. Mendy lives there even though they have
8 his key fob and he’s recorded on video instructing the police to look at his key fob or check for
9 his name on the call box.

10 4.13 The incident on October 9, 2020, began with Mr. Larson doing his rounds and
11 finding Mr. Mendy in the 5th floor lobby. Consistent with his ongoing pattern of racially
12 profiling Black people when they are not in the company of white people, he asks Mr. Mendy,
13 “Do you live here? What’s your room number?” Mr. Mendy stands up, annoyed and angry, and
14 says, “Remember this face,” pointing at his face. “You always ask me if I live here. F**king
15 remember this face.” Mr. Larson then backs away and says, “Don’t hit me.” Mr. Mendy is
16 confused, “Why would I hit you?” Mr. Larson then proceeded to leave and called the police
17 saying that a Black man who was trespassing had hit him.

18 4.14 Mr. Mendy was booked in the King County Jail that night and the following night
19 during the height of Covid on account of Mr. Larson’s false allegation. The Seattle City
20 Attorney’s office proceeded to press charges, tried to pressure a plea deal, eventually dropping
21 all charges after 13 months on November 24, 2021 on account of “lack of evidence”. Mr. Mendy
22 was not able to work while there were false charges pending against him.

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1 4.15 Managers at Modera identified a pattern in Mr. Larson's actions towards resident
2 Shaquelle Duncan and resident Sang Mendy. Following Mr. Mendy's release from jail, manager
3 Natalie Benoit emailed manager Felicity Alexander forwarding the email from Shaquelle
4 Duncan. "I dug this up. I recalled an incident similar to this awhile ago back when I worked at
5 Jackson. As it turns out, it was actually the same security guard as the incident that took place
6 with 216 the other day, and a very similar accusation!"

7 4.16 Felicity Alexander writes, "we have asked that that officer no longer be
8 dispatched to our community until we can hire a different company. We feel awful for our
9 resident and hope this issue is resolved swiftly for him." But they had information to take action
10 sooner, and had they done so, Mr. Mendy's terrifying and ongoing ordeal would have been
11 avoided. Northwest Security Services for their part failed to take any action to prevent or
12 otherwise discourage their officers from racially profiling or harassing Black residents at the
13 apartment complexes where they were contracted to provide security for all residents equally and
14 without discrimination.

15 4.17 The pattern and practice of Mr. Larson's discriminatory treatment of Black
16 residents and their guests, Northwest Security Services' negligent hiring, training, and
17 supervision and failure to take seriously allegations of their employees' racially charged
18 language and discriminatory actions, and Mill Creek Residential doing too little too late allowing
19 Mr. Larson to continue patrolling their premises even after evidence of his practices of racial
20 discrimination were brought to their attention resulted in violations of the Federal Fair Housing
21 Act, because Black residents did not enjoy the same privileges as other residents and in fact were
22 harmed by having the police called on them, made unsafe in their own home by the security that

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1 was supposed to protect them. In Mr. Mendy's case he also had his livelihood stripped away
2 from him simply for demanding dignity and respect at the place where he pays rent to live.

3 4.18 Defendants Mr. Tracy Larson, Northwest Security Services, American Security
4 Programs and Mill Creek Residential are all responsible for these violations of the Federal Fair
5 Housing Act, for making sure that these discriminatory practices do not continue, and for making
6 Plaintiff Mr. Sang Mendy whole.

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8 **V. INJURIES**

9 5.1 As a result of the false charges brought against Plaintiff Mr. Mendy on the basis
10 of Defendant Mr. Larson's false testimony, the Plaintiff lost both of his jobs and was unable to
11 work for the 13-month period that the Seattle City Attorney's Office pressed charges without any
12 evidence. Ultimately, after the Plaintiff refused numerous plea deals, all charges were dropped
13 without any conditions due to "lack of evidence". But dropping the charges did not undo the
14 financial hardship or the pain and suffering that they caused.

15
16 5.2 As a result of this experience, from Phase 1, being racially profiled and harassed
17 in his own home over the course of a year; to Phase 2, being detained in the lobby of his home
18 and arrested on false charges; to Phase 3, having false charges against him for 13 months during
19 which time he was unable to work, Plaintiff Mr. Mendy, his partner and kids suffered financial
20 hardship, insecurity and increased stress, difficulty sleeping, fearing for their safety in their own
21 home. They accrued high credit card debt just to pay rent, which they are still struggling to pay
22 off. Mr. Mendy further suffered from distress, humiliation, and loss of enjoyment of life. Why

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1 was the Prosecutor pressing charges and coming at him with a barrage of plea deals? All of this
2 brought up uncertainty around his immigration status. In Mr. Mendy's culture, it is understood
3 that going to jail gives someone a lot of negative energy that can only be cleansed with certain
4 cleansing rituals. Even after going home to conduct these rituals, he has been left with a high
5 level of anxiety.

6
7 **VI. PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff prays for the following:

9 6.1 For trial by jury on all claims;

10 6.2 For a declaration that the defendants' conduct violated federal law;

11 6.3 For an injunction to stop the defendants' illegal conduct and prevent it from
12 occurring again in the future;

13 6.4 For special and general compensatory damages on all claims in an amount to be
14 proven at the time of trial;

15 6.5 For punitive damages under 42 U.S.C. § 3613 (c) (1), and as otherwise allowed
16 by law;

17 6.6 For the right to amend this complaint to conform to proof offered at trial; and

18 6.7 For such other and further relief as the Court deems just and proper.
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Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

10-07-2022

Signature of Plaintiff



Printed Name of Plaintiff

Sang W. Mendy

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